

REMARKS

Claims 1-40 are pending in this application. No claim amendments have been made in response to the instant Office Action.

Claims 26-36 have been withdrawn from consideration without prejudice pursuant to 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

REJECTIONS UNDER 35 U.S.C. § 103

Reconsideration is respectfully requested of the rejection of claims 1-9, 12, 23 and 37-40 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,897,909 ("Ochiai") in view of U.S. Patent Application Pub. No. 2006/0050220 ("Matsumoto").

Applicant notes that the present application claims priority under 35 U.S.C. § 119 to Korean Patent Application No. 2003-0018195, filed on March 24, 2003 ("195 application"). Matsumoto has a U.S. filing date of August 24, 2005 and is a continuation of U.S. Patent Application Serial No. 10/636,560, filed on August 8, 2003. Matsumoto was published on March 9, 2006. The earliest section 102(e) date to which Matsumoto may be entitled is August 8, 2003.

The foreign priority date of the present application (March 24, 2003) antedates the earliest possible section 102(e) of Matsumoto (August 8, 2003), and the U.S. filing and publication dates of Matsumoto.

Accordingly, pursuant to sections 2136.03, 706.02(b) and 201.15 of the Manual of Patent Examining Procedure, M.P.E.P. §§ 2136.03, 706.02(b) and 201.15 (Rev. Oct. 2005), Matsumoto may be precluded from being used as a ground for rejection if Applicant perfects priority by submitting an appropriate English translation of the '195

application. Accordingly, Applicant submits herewith an English translation of the certified copy of the '195 application and a statement that the translation is accurate.

Therefore, Applicant submits that because the foreign priority date of the '195 application (March 24, 2003) is prior to the earliest possible section 102(e) of Matsumoto (August 8, 2003), and the U.S. filing (August 24, 2005) and publication dates (March 9, 2006) of Matsumoto, Matsumoto cannot be used as a section 102 reference in an obviousness rejection under section 103(a).

Further, Applicant notes that the Examiner is not entitled to rely on Matsumoto's Japanese priority date (Japanese Patent Application No. 2002-275033, filed on September 20, 2002) because Matsumoto did not result or claim the benefit of an international application that designated the United States and was not published in English under PCT Article 21(2). See M.P.E.P. § 706.02(f)(1).

Accordingly, for at least the reason that Matsumoto cannot be used as a prior art reference, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-9, 12, 23 and 37-40 under 35 U.S.C. § 103(a).

Reconsideration is respectfully requested of the rejection of: (1) claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Ochiai in view of Matsumoto and further in view of U.S. Patent Application Pub. No. 2004/0004280 ("Kim"); (2) claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Ochiai in view of Matsumoto and further in view of U.S. Patent No. 6,337,723 ("Bae"); (3) claims 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Ochiai in view of Matsumoto and further in view of U.S. Patent No. 6,879,359 ("Kikkawa"); (4) claims 24 and 25 as being unpatentable over Ochiai in view of Matsumoto and further in view of U.S. Patent Application No.

2001/0006408 ("Matsuyama"); (5) claims 17 and 18 as being unpatentable over Ochiai in view of Matsumoto and further in view of U.S. Patent Application No. 2001/0026341 ("Lee"); and (6) claims 19-22 as being unpatentable over Ochiai in view of Matsumoto and further in view of Bae and Matsuyama.

As stated above, the priority date of the '195 application (March 24, 2003) is prior to the earliest possible section 102(e) date of Matsumoto (August 8, 2003) and Matsumoto cannot be used as a reference to support a rejection under section 103(a).

As such, Applicant requests that the Examiner withdraw the rejections of claims 10, 11, 13-22, 24 and 25 under 35 U.S.C. §103(a).

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,



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